



Introduced Version

HOUSE BILL No. 1573

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.2; IC 4-2-6.5; IC 35-31.5-2-217.3; IC 35-42-4-8.5.

Synopsis: Removal of elected officials. Provides that disorderly behavior, which can be the basis of expulsion from the general assembly, includes sexual misconduct, committing certain sex crimes, and engaging in conduct that is inconsistent with the high ethical standards of the general assembly. Creates the officeholder oversight commission, which may remove certain statewide officeholders from office for engaging in sexual misconduct, committing certain sex crimes, or engaging in conduct inconsistent with the high ethical standards of their office. Provides that a person who, without the consent of the other person, knowingly or intentionally rubs or fondles another person's covered or uncovered genitals, buttocks, pubic area, or female breast, commits lewd touching, a Class A misdemeanor. Enhances the penalty for lewd touching if: (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; (3) the commission of the offenses is facilitated with a drug or controlled substance; (4) it is committed by an officeholder; or (5) it is committed by an individual who has a previous unrelated conviction for the offense.

Effective: July 1, 2019.

Candelaria Reardon

_____, read first time and referred to Committee on _____

20192710

2019

LS 7572/DI 107



Introduced

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in **this style type**.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL _____

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-2.2-1-18.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 18.5. "Sexual misconduct"**
4 **means:**

- 5 (1) **unwelcome sexual advances;**
6 (2) **unwelcome requests for sexual favors; or**
7 (3) **unwelcome verbal or physical conduct of a sexual nature.**

8 SECTION 2. IC 2-2.2-5-1, AS ADDED BY P.L.123-2015,
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2019]: Sec. 1. The following constitute disorderly behavior
11 and may be punished by the house or senate as provided in Article 4,
12 Section 14 of the Constitution of the State of Indiana:

- 13 (1) Knowing or intentional failure to file a required statement by
14 the deadline prescribed in IC 2-2.2-2.
15 (2) Knowing or intentional filing a false statement prescribed by
16 IC 2-2.2-2.
17 (3) Knowing or intentional violation of section 2, 3, or 4, or 5 of



1 this chapter.

2 SECTION 3. IC 2-2.2-5-5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2019]: Sec. 5. (a) A member:

- 5 (1) may not commit an act of sexual misconduct;
- 6 (2) may not commit a sex crime under IC 35-42-4; and
- 7 (3) may not engage in conduct that is inconsistent with the
- 8 high ethical standards of the general assembly.

9 (b) In determining whether a member committed an act of
10 sexual misconduct, committed a sex crime under IC 35-42-4, or
11 engaged in conduct that is inconsistent with the high ethical
12 standards of the general assembly, the house or senate may
13 consider the following:

- 14 (1) That the member has been convicted of a crime.
- 15 (2) A criminal complaint against the member.
- 16 (3) A civil rights complaint filed under 42 U.S.C. 1983 against
- 17 the member.
- 18 (4) A complaint filed with the civil rights commission against
- 19 the member.
- 20 (5) A report issued by the inspector general concerning the
- 21 member.
- 22 (6) A complaint filed with the federal equal employment
- 23 opportunity commission involving the member.
- 24 (7) A complaint alleging employment discrimination against
- 25 the member.
- 26 (8) A complaint filed with the Indiana disciplinary
- 27 commission against the member.
- 28 (9) Other documents concerning an allegation that a member
- 29 engaged in behavior in violation of subsection (a).

30 SECTION 4. IC 4-2-6.5 IS ADDED TO THE INDIANA CODE AS
31 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2019]:

33 Chapter 6.5. Officeholder Oversight Commission

34 Sec. 1. This chapter applies to a state officeholder who is not
35 holding a constitutional office and is elected in a general election
36 held statewide, including:

- 37 (1) the attorney general; and
- 38 (2) before January 11, 2025, the state superintendent of public
- 39 instruction.

40 Sec. 2. The following definitions apply throughout this chapter:

- 41 (1) "Commission" means the officeholder oversight
- 42 commission created by section 3 of this chapter.



1 (2) "Sex crime" means a sex crime under IC 35-42-4.

2 Sec. 3. The officeholder oversight commission is created.

3 Sec. 4. (a) The commission consists of twelve (12) members as
4 follows:

5 (1) The inspector general.

6 (2) A law enforcement officer appointed by the governor.

7 (3) An individual who is an attorney licensed to practice law
8 in Indiana, appointed by the governor.

9 (4) The executive director of the prosecuting attorneys council
10 of Indiana.

11 (5) The executive director of the public defender council of
12 Indiana.

13 (6) The executive director of the Indiana disciplinary
14 commission.

15 (7) A member of the senate appointed by the president pro
16 tempore of the senate.

17 (8) A member of the senate appointed by the minority leader
18 of the senate.

19 (9) A member of the house of representatives appointed by the
20 speaker of the house of representatives.

21 (10) A member of the house of representatives appointed by
22 the minority leader of the house of representatives.

23 (11) A justice of the supreme court appointed by the chief
24 justice of the Indiana supreme court.

25 (12) A judge of the court of appeals appointed by the chief
26 judge of the Indiana court of appeals.

27 (b) The inspector general is the chairperson of the commission.

28 (c) The commission shall meet upon the call of the chairperson.

29 Sec. 5. The commission shall recall an officeholder from office
30 if the commission determines that the officeholder:

31 (1) engaged in sexual misconduct;

32 (2) committed a sex crime; or

33 (3) engaged in conduct inconsistent with the high ethical
34 standards of the officeholder's office.

35 Sec. 6. (a) A complaint that an officeholder engaged in sexual
36 misconduct, committed a sex crime, or engaged in conduct
37 inconsistent with the high ethical standards of the officeholder's
38 office may be filed with the office of the inspector general. A
39 complaint filed under this section may be confidential.

40 (b) The inspector general shall distribute a copy of a complaint
41 submitted under subsection (a) to each member of the commission
42 within seven (7) days after receiving the complaint.



1 (c) The commission shall meet within fourteen (14) days after a
 2 complaint is distributed under subsection (b) to determine whether
 3 a complaint filed under subsection (a) may be valid. If a majority
 4 of the commission members vote that a complaint may be valid, the
 5 inspector general shall serve the officeholder with a copy of the
 6 complaint.

7 (d) The officeholder shall provide a response to the complaint in
 8 a reasonable period of time not exceeding thirty (30) days. The
 9 officeholder may submit to the commission signed affidavits in
 10 support of the officeholder's response to a complaint.

11 (e) The inspector general may call a public hearing for the
 12 commission to question:

13 (1) the officeholder; and

14 (2) any witnesses who have knowledge of allegations made in
 15 a complaint filed under subsection (a).

16 The officeholder and commission may call witnesses at a public
 17 hearing under this section.

18 (f) An officeholder may be represented by an attorney at a
 19 hearing under this section.

20 (g) Notice of a hearing called under subsection (e) must be given
 21 at least ten (10) days before the meeting.

22 (h) If the officeholder fails to appear at a hearing called under
 23 subsection (e), the commission may consider the failure to appear
 24 as an admission to the allegations made in the complaint filed
 25 under subsection (a).

26 (i) The commission may consider the following as part of its
 27 review of the officeholder under this section:

28 (1) That the officeholder has been convicted of a crime.

29 (2) A criminal complaint against the officeholder.

30 (3) A civil rights complaint filed under 42 U.S.C. 1983 against
 31 the officeholder.

32 (4) A complaint filed with the civil rights commission against
 33 the officeholder.

34 (5) A report issued by the inspector general concerning the
 35 officeholder.

36 (6) A complaint filed with the federal equal employment
 37 opportunity commission involving the officeholder.

38 (7) A complaint alleging employment discrimination against
 39 the officeholder.

40 (8) A complaint filed with the Indiana disciplinary
 41 commission against the officeholder.

42 (9) An allegation of sexual harassment or sexual assault.



(10) Other documents concerning an allegation that an officeholder engaged in behavior described in section 5 of this chapter.

(j) If, after a public hearing, eight (8) of the commission members vote that the officeholder:

(1) engaged in sexual misconduct;

(2) committed a sex crime; or

(3) engaged in conduct inconsistent with the high ethical standards of the officeholder's office;

the officeholder is removed from office.

Sec. 7. If the officeholder is removed from office under section 6 of this chapter, the governor shall appoint an officeholder who is of the same party as the officeholder who was removed from office.

SECTION 5. IC 35-31.5-2-217.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 217.3. "Officeholder", for purposes of IC 35-42-4-8.5, has the meaning set forth in IC 35-42-4-8.5(a).

SECTION 6. IC 35-42-4-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.5. (a) As used in this section, "officeholder" means an individual who is elected, appointed, or retained to:

(1) a state office as described in IC 3-5-2-48; or

(2) the legislative branch of state government.

(b) A person who, without the consent of the other person, knowingly or intentionally rubs or fondles another person's covered or uncovered genitals, buttocks, pubic area, or female breast, commits lewd touching, a Class A misdemeanor.

(c) An offense described in subsection (b) is a Level 6 felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon;

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge;

(4) it is committed by an officeholder; or

(5) it is committed by an individual who has a previous unrelated conviction under this section.





Introduced Version

HOUSE BILL No. _____
_____ 1574

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-217.3; IC 35-42-4-8.5.

Synopsis: Lewd touching. Provides that a person who, without the consent of the other person, knowingly or intentionally rubs or fondles another person's covered or uncovered genitals, buttocks, pubic area, or female breast, commits lewd touching, a Class A misdemeanor. Enhances the penalty for lewd touching if: (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; (3) the commission of the offenses is facilitated with a drug or controlled substance; (4) it is committed by an officeholder; or (5) it is committed by an individual who has a previous unrelated conviction for the offense.

Effective: July 1, 2019.

Candelaria Reardon

_____, read first time and referred to Committee on _____

20191376

2019

LS 7525/DI 107



Introduced

First Regular Session of the 121st General Assembly (2019)

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Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL _____

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-31.5-2-217.3 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 217.3. "Officeholder", for
4 purposes of IC 35-42-4-8.5, has the meaning set forth in
5 IC 35-42-4-8.5(a).

6 SECTION 2. IC 35-42-4-8.5 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2019]: Sec. 8.5. (a) As used in this section, "officeholder" means
9 an individual who is elected, appointed or retained to:

10 (1) a state office as described in IC 3-5-2-48; or

11 (2) the legislative branch of state government.

12 (b) A person who, without the consent of the other person,
13 knowingly or intentionally rubs or fondles another person's
14 covered or uncovered genitals, buttocks, pubic area, or female
15 breast, commits lewd touching, a Class A misdemeanor.

16 (c) An offense described in subsection (b) is a Level 6 felony if:

17 (1) it is committed by using or threatening the use of deadly



- 1 force;
- 2 (2) it is committed while armed with a deadly weapon;
- 3 (3) the commission of the offense is facilitated by furnishing
- 4 the victim, without the victim's knowledge, with a drug (as
- 5 defined in IC 16-42-19-2(1)) or a controlled substance (as
- 6 defined in IC 35-48-1-9) or knowing that the victim was
- 7 furnished with the drug or controlled substance without the
- 8 victim's knowledge;
- 9 (4) it is committed by an officeholder; or
- 10 (5) it is committed by an individual who has a previous
- 11 unrelated conviction under this section.





Introduced Version

HOUSE BILL No. 1577

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-9-1-3.

Synopsis: Workplace discrimination. Expands the definition of "employer", for purposes of civil rights enforcement, to include any person employing one or more persons within the state. (Current law defines "employer" to include any person employing six or more persons within the state.)

Effective: July 1, 2019.

Candelaria Reardon

_____, read first time and referred to Committee on _____

20191685

2019

LS 6771/DI 128



Introduced

First Regular Session of the 121st General Assembly (2019)

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Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL _____

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-9-1-3, AS AMENDED BY P.L.213-2016,
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 3. As used in this chapter:

4 (a) "Person" means one (1) or more individuals, partnerships,
5 associations, organizations, limited liability companies, corporations,
6 labor organizations, cooperatives, legal representatives, trustees,
7 trustees in bankruptcy, receivers, and other organized groups of
8 persons.

9 (b) "Commission" means the civil rights commission created under
10 section 4 of this chapter.

11 (c) "Director" means the director of the civil rights commission.

12 (d) "Deputy director" means the deputy director of the civil rights
13 commission.

14 (e) "Commission attorney" means the deputy attorney general, such
15 assistants of the attorney general as may be assigned to the
16 commission, or such other attorney as may be engaged by the
17 commission.



(f) "Consent agreement" means a formal agreement entered into in lieu of adjudication.

(g) "Affirmative action" means those acts that the commission determines necessary to assure compliance with the Indiana civil rights law.

(h) "Employer" means the state or any political or civil subdivision thereof and any person employing ~~six (6)~~ **one (1)** or more persons within the state, except that the term "employer" does not include:

(1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;

(2) any school, educational, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or

(3) any exclusively social club, corporation, or association that is not organized for profit.

(i) "Employee" means any person employed by another for wages or salary. However, the term does not include any individual employed:

(1) by the individual's parents, spouse, or child; or

(2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

(1) the exclusion of a person from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;

(2) a system that excludes persons from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;

(3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry;

(4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is committed by a covered entity (as defined in IC 22-9-5-4);

(5) the performance of an abortion solely because of the race, color, sex, disability, national origin, or ancestry of the fetus; or



(6) a violation of any of the following statutes protecting the right of conscience regarding abortion:

(A) IC 16-34-1-4.

(B) IC 16-34-1-5.

(C) IC 16-34-1-6.

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

(1) any individual charging on the individual's own behalf to have been personally aggrieved by a discriminatory practice; or

(2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person (other than the director or deputy director) or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

(1) sufficiently complete and filed by a complainant with the commission; or

(2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

(1) the full name and address of the complainant;

(2) the name and address of the respondent against whom the complaint is made;

(3) the alleged discriminatory practice and a statement of particulars thereof;

(4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and

(5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty



1 (180) days from the date of the occurrence of the alleged
2 discriminatory practice.

3 (q) "Sex" as it applies to segregation or separation in this chapter
4 applies to all types of employment, education, public accommodations,
5 and housing. However:

6 (1) it shall not be a discriminatory practice to maintain separate
7 restrooms;

8 (2) it shall not be an unlawful employment practice for an
9 employer to hire and employ employees, for an employment
10 agency to classify or refer for employment any individual, for a
11 labor organization to classify its membership or to classify or refer
12 for employment any individual, or for an employer, labor
13 organization, or joint labor management committee controlling
14 apprenticeship or other training or retraining programs to admit
15 or employ any other individual in any program on the basis of sex
16 in those certain instances where sex is a bona fide occupational
17 qualification reasonably necessary to the normal operation of that
18 particular business or enterprise; and

19 (3) it shall not be a discriminatory practice for a private or
20 religious educational institution to continue to maintain and
21 enforce a policy of admitting students of one (1) sex only.

22 (r) "Disabled" or "disability" means the physical or mental condition
23 of a person that constitutes a substantial disability. In reference to
24 employment under this chapter, "disabled or disability" also means the
25 physical or mental condition of a person that constitutes a substantial
26 disability unrelated to the person's ability to engage in a particular
27 occupation.

28 (s) "Veteran" means:

29 (1) a veteran of the armed forces of the United States;

30 (2) a member of the Indiana National Guard; or

31 (3) a member of a reserve component.





Introduced Version

HOUSE BILL No. 1581

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-7-8.

Synopsis: Private representation of public officials. Prohibits a public official who: (1) is sued in the public official's personal capacity and is alleged to have acted outside the scope of the public official's duties; or (2) is charged with a crime unrelated to the public official's duties; from using public funds to pay for private legal counsel. Prohibits the public official from using public funds to pay a judgment or settlement under certain circumstances. Declares certain nondisclosure agreements entered into after June 30, 2019, involving sexual assault, sexual harassment, and sexual discrimination as against public policy and void.

Effective: July 1, 2019.

Candelaria Reardon

_____, read first time and referred to Committee on _____

20192712

2019

LS 6825/DI 128



Introduced

First Regular Session of the 121st General Assembly (2019)

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Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL _____

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-7-8 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]:

4 **Chapter 8. Causes of Action Involving Public Officials**

5 **Sec. 1. For purposes of this chapter, "public funds" has the**
6 **meaning set forth in IC 5-13-4-20.**

7 **Sec. 2. This chapter applies to an individual who is:**

8 (1) a state officer (as defined in IC 4-2-6-1);

9 (2) a state senator;

10 (3) a state representative;

11 (4) a special state appointee (as defined in IC 4-2-6-1); or

12 (5) an elected official of a county, city, town, or township.

13 **Sec. 3. (a) An individual described in section 2 of this chapter**
14 **who is:**

15 (1) sued in the individual's personal capacity and is alleged to
16 have acted outside the scope of the individual's official duties
17 as prescribed by statute or duly adopted regulation; or

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LS 6825/DI 128



1 (2) charged with a crime unrelated to the individual's official
2 duties;

3 may not use public funds to pay for the services of private legal
4 counsel to defend the individual in an action described in this
5 section.

6 (b) The individual described in subsection (a) may not use public
7 funds to pay a judgment, settlement, or compromise of a claim
8 described in subsection (a)(1).

9 Sec. 4. (a) This section applies to agreements or contracts
10 entered into after June 30, 2019.

11 (b) A provision in an agreement or contract that has the purpose
12 or effect of concealing details relating to a civil claim or settlement
13 or resolution of any civil claim of:

14 (1) sexual assault;

15 (2) sexual harassment; or

16 (3) sexual discrimination;

17 involving an individual described in section 2 of this chapter is
18 declared to be contrary to the public policy of Indiana and void.

19 (c) A claim described in subsection (b) includes:

20 (1) a formal or informal internal complaint; or

21 (2) threatened, anticipated, or commenced litigation.

22 Sec. 5. The name of the person who claims to be the victim of:

23 (1) sexual assault;

24 (2) sexual harassment; or

25 (3) sexual discrimination;

26 and who is a party to an agreement or contract described in section
27 4 of this chapter shall be withheld from disclosure at the person's
28 request or by court order.



